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Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 FEA-01 ACDA-07 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DLOS-06 DODE-00
DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-01
INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05
NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15
USIA-06 SAL-01 FRB-03 STR-04 LAB-04 SIL-01 AS-01 /134 W
---------- 070453 /73
R 201758Z DEC 76
FM USMISSION EC BRUSSELS
TO SECSTATE WASHDC 2643
INFO ALL EC CAPITALS 2905
AMEMBASSY OTTAWA

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DEPARTMENT FOR OES/OFA SNEAD

E. O. 11652: N/A
TAGS: EEC, EFIS
SUBJECT: EC-CANADIAN NEGOTIATIONS ON FISHERIES AGREEMENT

1. SUMMARY: A CANADIAN MISSION OFFICER INFORMED US THAT THE FIRST ROUND OF NEGOTIATIONS ON DECEMBER 15 BETWEEN A CANADIAN FISHERIES DELEGATION AND THE EC COMMISSION IN THE PRESENCE OF MEMBER STATE OBSERVERS WAS PREPARATORY IN NATURE AND INTENDED TO OUTLINE THE GENERAL SCOPE AND CONTEXT OF A POSSIBLE AGREEMENT. SINCE CANADA HAS AGREED TO REMAIN IN ICNAF IN 1977 AND TO APPLY APPROPRIATE ICNAF QUOTAS AS A BASIS FOR ISSUANCE OF FISHING LICENSES IN THE COMING YEAR, THERE NO LONGER IS ANY URGENCY TO CONCLUDE AN AGREEMENT BEFORE CANADA'S NEW 200 MILE FISHING ZONE GOES INTO PLACE ON JANUARY 1, 1977. THE NEXT ROUND OF NEGOTIATIONS MAY TAKE PLACE IN "A FEW MONTHS," WITH PROBABLY NO SERIOUS DISCUSSION OF A FORMAL TEXT UNTIL MID-1977. END SUMMARY.
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2. THE CANADIAN OFFICER STRESSED THAT THERE WAS NO DISCUSSION OF ACTUAL LANGUAGE THAT MIGHT BE INCLUDED IN A POSSIBLE AGREEMENT. WHILE THE COMMISSION HAD GIVEN THE CANADIANS A PAPER BEFORE THE TALKS NOTING THE EC DESIDERATA, THIS PAPER WAS NOT RAISED DURING THE

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NEGOTIATIONS.

3. THE CANADIAN OFFICER SAID THAT THE CANADIANS WERE CONSIDERING APPROACHING THE NEGOTIATIONS IN TWO PHASES. THE FIRST PHASE WOULD CONSIST OF OBTAINING ACKNOWLEDGMENT OF THE 200 MILE FISHING ZONE AND THE CONDITIONS AND PROCEDURES FOR FISHING THEREIN. FOR THE SECOND PHASE, CANADA IS CONSIDERING TYING ACCESS TO ITS FISHING ZONE TO AN UNDERTAKING BY THE EC SIDE TO ENGAGE IN "COOPERATIVE" ACTIVITY IN THE FISHING SECTOR, INCLUDING JOINT VENTURES AND INVESTMENTS IN FISHING BOATS, ON SHORE FISH PROCESSING AND FREEZING PLANTS, RESEARCH, ETC. THE EC SIDE EXPRESSED AN INTEREST IN THIS CONCEPT BUT ASKED THE CANADIANS FOR AMPLIFICATION AS TO WHAT THEY HAD IN MIND.

4. AMONG THE SPECIFIC SUBJECTS DISCUSSED WERE:
(A) EXISTING CANADIAN BILATERAL AGREEMENTS: THE CANADIANS ASKED WHAT PROBLEMS MIGHT BE POSED BY THE EXISTENCE OF THE TEN-YEAR BILATERAL AGREEMENT WITH FRENCH REGARDING FISHING WHICH CANADA HOPES TO KEEP IN EFFECT. THIS AGREEMENT APPLIES TO ANY FUTURE EXTENSION OF THE FISHING ZONES ESTABLISHED BY CANADA AND BY FRANCE FOR ST. PIERRE AND MIQUELON AND WOULD THUS COVER SOME OF THE AREA OVER WHICH THE EC CLAIMS FISHING MANAGEMENT JURISDICTION. QUESTIONS POSED BY CANADA'S BILATERAL AGREEMENT WITH DENMARK MUST ALSO BE RESOLVED SINCE THIS AGREEMENT COVERS THE FAEROE ISLANDS, WHICH ARE NOW INDEPENDENT, AS WELL AS GREENLAND.

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(B) ENFORCEMENT: THE CANADIANS POINTED OUT THAT UNDER PRESENT PRACTICE IF A FISHING BOAT IS FOUND GUILTY OF A SERIOUS BREACH OF CANADIAN FISHING LAW, THE SUSPENSION OF THE FISHING LICENSES OF THAT BOAT AND ALL OTHER BOATS OF THE SAME NATIONALITY IS CUSTOMARY. WOULD THE EC AGREE THAT IN CASE OF A VIOLATION BY, FOR EXAMPLE, AN ITALIAN BOAT, CANADA SHOULD THEN REVOKE LICENSES FOR ALL OTHER EC MEMBER STATE BOATS? THE EC REPLY, ACCORDING TO THE CANADIAN OFFICER, WAS A TENTATIVE "YES".

(C) ACCESS: THE CANADIANS MADE CLEAR THAT FOR 1977 ACCESS WILL BE LIMITED TO EC MEMBERS TRADITIONALLY FISHING IN CANADIAN WATERS AND MEMBERS OF ICNAF. THEY APPARENTLY HAVE NOT YET DECIDED, ACCORDING TO OUR SOURCE, WHETHER AFTER 1977 CANADA WILL ACCEDE TO THE EC DESIRE TO ESTABLISH A QUOTA FOR THE EC WHICH IT CAN THEN DIVIDE AS IT WISHES BETWEEN THE MEMBER STATES.

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IN CONTRAST TO THE US FISHERIES MANAGEMENT ACT, THE CANADIAN OFFICER SAID, THERE IS NOTHING IN THE CANADIAN LAW RESTRICTING ACCESS TO TRADITIONAL FISHERIES.

(D) CANADIAN SALMON: THE CANADIAN SIDE STATED THAT IT WOULD EXPECT THE EC UNDER A FISHERY AGREEMENT TO AGREE TO PROHIBIT OR TO SEVERELY RESTRICT FISHING IN EC WATERS OF ANADROMOUS SPECIES ORIGINATING IN CANADIAN WATERS. THE EC SIDE REPLIED THAT THE COMMUNITY HAS A RECIPROCAL INTEREST SINCE IT CLAIMED THAT FISH ORIGINATING IN EC WATERS MIGRATE TO CANADA. THE EC WOULD LIKE TO ENGAGE WITH CANADA IN A JOINT EFFORT TO CONDUCT EXTENSIVE RESEARCH TO IDENTIFY THE ADNADROMOUS SPECIES MIGRATING TO EACH OTHER'S ZONES AND TO ESTAB-LISH AN EFFECTIVE COOPERATIVE CONSERVATION PROGRAM TO PRESERVE THESE STOCKS. THE CANADIAN SIDE POINTED OUT THAT, ACCORDING TO AVAILABLE AND QUITE COMPLETE DATA, LIMITED OFFICIAL USE

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THERE ARE NO ANADROMOUS SPECIES FROM THE EC AREAS GOING INTO CANADIAN WATERS. (COMMENT: THE CANADIAN OFFICER FELT THAT THE EC'S PROPOSAL FOR JOINT RESEARCH AND CONSERVATION PROGRAMS MAY HAVE BEEN INTENDED BY THE COMMUNITY TO BUY TIME AND MAINTAIN CONTROL OVER THIS FISHING.)HINTON

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